IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

FIRST APPEAL NO.1039 OF 2006
IN
L.A.R.NO.121 OF 1998

The State of Maharashtra and another .. Appellant
v/s.
Shantaram Barku Shivekar and others .. Respondents

Mr.K.K.Tated, Assistant Government Pleader for the appellant.

CORAM : R.M.LODHA &
S.J.VAZIFDAR, JJ.

DATED : 18TH JULY, 2006.

P.C.

Heard.

In paragraph 12 of the impugned judgment, the learned Reference Court recorded thus-

> "12. Ld.AGP Shri Ghorpade also made submissions that the opponent is relying on the same evidence which is led in L.R.No.119/98 and therefore, the same market value which is determined by the court

for the jirayat land may be awarded in the present land reference."

2. It would be, thus, seen that the Assistant Government Pleader on behalf of the State Government made a categorical statement before the Reference Court that the market value which has been determined by the court for the jirayat land in L.R.No.119/98 may also be awarded in the present land reference. The Reference Court, accordingly, determined the market value of Jirayat land at the same rate it was determined in Land Reference No.119/98.

3. Though in the memo of appeal, the ground is raised that the Reference Court erred in enhancing the compensation on the basis of previous judgment in C.R.No.119/98 but there is no challenge to the correctness of the statement recorded in paragraph 12 of the impugned judgment.

4. We asked Mr.K.K.Tated as the whether the appellants desire to file review application before the Reference Court and withdraw this appeal, he stated that he did not have any instructions in that regard.

5. In this view of the matter, we are satisfied that the appeal does not deserve to be admitted. However, this will not preclude the appellant in filing review application before the Reference Court. Order accordingly.

(R.M.LODHA, J.)

(S.J.VAZIFDAR, J.)